IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 119 OF 2005

SHRI POPATLAL TULSIDAS SHAH ... APPLICANT
(Orig.accused No.3)

Versus

M/S. SWIFT FINLEASE (INDIA) LTD.
& Ors. ... respondents

Shri S.S.Dalvi i/b. C.R.Naidu & Co. for the applicant.
Shri D.R.More, APP, for the State.

CORAM: S.K.SHAH,J.

DATE : 17th October,2006

P.C.

1. By this Application, the applicant challenges the order of process issued by the Additional Chief Metropolitan Magistrate, Mumbai.

2. In view of the decisiiion of the Single judge of this Court, I fuly agree that the appeal/revision against the order of issue of process can be filed in the Sessions Court.

3. The learned Counsel for the applicant seeks to

withdraw this Application with liberty to file necessary proceedings in the Sessions Court.

4. The Application is allowed to be withdrawn. The Application is dismissed as withdrawn with liberty as sought for. In case, such proceeding is filed before the Sessions Court, the same shall be disposed of on merit.

(S.K.SHAH,J.)